

Remarks

Claim 1 has been amended to place the condition for allowance or in better condition for appeal. The amended claims recite that the leather is stretched and that the cold insulating material is not compressed between the toe box and lining, rather than, as previously claimed, between the outer leather and lining. The amended claims also recites that the cold insulating material is not compressed when the boot is worn. It is respectfully submitted that the present amendment does not require an additional search and should be entered for purposes of placing the application in condition for allowance or in better condition for appeal.

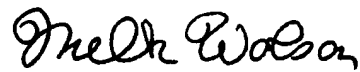
A. Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by the figure 2 boot of the international reference to Techboot WO 92/14372 (WO'372). By way of supplementing applicant's argument set forth in the June 3, 2004 Amendment and Request for Reconsideration as to why this rejection is incorrect, applicant points out that independent claim 1 recites that the outer layer is leather whereas the outer layer shown in figure 2 of WO'372 is not leather. More specifically, WO'372 states at page 11 that "[i]n the embodiment of figure 2 the leather outer skin 35 is replaced by a viton coated ballistic grade aramid fiber outer skin to provide fire resistance to the boot." Since the figure 2 boot of WO'372 does not have a leather outer layer, the rejection under 35 U.S.C. 102(b) should be withdrawn.

B. Claims 1, 5-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 92/14372 in view of Official Notice. For various reasons, including the fact that WO'372 does not have a leather outer layer, it is respectfully submitted that the rejection under 35 U.S.C. 103(a) should be withdrawn. It is noted that the boot shown in figure 2 of WO 92/14372 is a firefighter's boot and it would not have been obvious to replace the fire resistant outer layer of WO'372 with a leather outer layer.

C. Claims 1, 5-6 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over White 3805419 or Adams 4102062 in view of WO 92/14372. The basis of this rejection is that it would have been obvious, in view of WO'372 to make the boot used in White '419 or Adams '062 out of leather as taught by WO'372. However, since the WO'372 boot shown in figure 2 does not have a leather outer layer, this rejection should be likewise withdrawn.

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Respectfully submitted



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